

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

CARA MCCLURE, et al.,

Plaintiffs,

v.

JEFFERSON COUNTY COMMISSION,

Defendant.

Case No. 2-23-cv-00443-MHH

NOTICE REGARDING UPCOMING ELECTION DEADLINES

Plaintiffs Cara McClure, Greater Birmingham Ministries, the Alabama State Conference of the NAACP, and the Metro-Birmingham Branch of the NAACP (collectively, “Plaintiffs”), respectfully provide this notice to the Court regarding upcoming election deadlines, the representations that Defendant Jefferson County Commission (“Commission”) made regarding the time the Board of Registrars (“Board”) needs for a new map to be implemented in time for the November 2026 elections, and the process required for a remedial districting process if a constitutional violation is identified in this case.

The next election for all Jefferson County Commissioners is scheduled to take place during Alabama’s general election on November 3, 2026.¹ The Commission has represented that “[n]o district lines can be changed or elections added to the ballot after candidate qualifying ends ... and the parties certify their candidates” because “[a]fter candidates are certified, ballots are immediately created, reviewed, and sent to printing so that they arrive in time for the primary elections.” Stephenson Decl. ¶ 40, Doc. 31 (Aug. 7, 2023). The Commission has further represented that one month before candidate qualifying was the “most conservative estimate” of the time needed “to redraw the districts, notify voters and candidates, and allow candidates sufficient time to qualify before the deadline.” Stephenson Decl. ¶ 50. The candidate qualifying deadline for the November 2026 elections is January 23, 2026.² Alabama’s statewide primary is May 19, 2026.³ In the absence of this Court ordering any extensions on the candidate qualifying and other related deadlines, Defendant’s representations mean that a remedial map would need to be in place by December 23, 2025.

The Court “ha[s] its own duty to cure illegally gerrymandered districts through an orderly process in advance of elections.” *North Carolina v. Covington*,

¹ Ala. Sec’y of State, *Administrative Calendar: 2026 Statewide Elections* (May 2025), www.sos.alabama.gov/sites/default/files/election-2026/Admin%20Calendar%20-2026.pdf.

² Ala. Sec’y of State, *supra* note 1.

³ *Id.*

585 U.S. 969, 977 (2018) (citation omitted). Accordingly, if the Court finds that the Commission violated the Constitution, any remedial process will require several steps.

First, the Court must give the Commission an opportunity to enact a new plan that cures the constitutional violation. “[R]edistricting and reapportioning legislative bodies is a legislative task which the federal courts should make every effort not to pre-empt.” *Wise v. Lipscomb*, 437 U.S. 535, 539 (1978) (citations omitted). “When a federal court declares an existing apportionment scheme unconstitutional, it is therefore, appropriate, whenever practicable, to afford a reasonable opportunity for the legislature to meet constitutional requirements by adopting a substitute measure rather than for the federal court to devise and order into effect its own plan.” *Id.* at 540. Typically, jurisdictions get a few weeks to pass a remedy. *See, e.g., Covington*, 585 U.S. at 971 (one month); *Thomas v. Bryant*, 919 F. 3d 298, 312–13 (5th Cir. 2019) (19 days); *Calvin v. Jefferson Cnty. Bd. of Comm’rs*, 172 F. Supp. 3d 1292, 1326 (N.D. Fla. 2016) (16 days); *Harris v. McCrory*, 159 F. Supp. 3d 600, 627 (M.D.N.C. 2016) (14 days), *aff’d sub nom. Cooper v. Harris*, 581 U.S. 285 (2017).

Next, the Court must give Plaintiffs the chance to object to the Commission’s new plan, and for the Court to evaluate such objections. *See Covington*, 585 U.S. at 976–77 (rejecting a state’s inadequate remedial plan); *Singleton v. Allen*, 690 F.

Supp. 3d 1226, 1295–96 (N.D. Ala. 2023) (three-judge court) (same); *GRACE, INC. v. City of Miami*, 684 F. Supp. 3d 1285, 1291–92 (S.D. Fla. 2023) (same).

Third, and finally, if the Court does reject the Commission’s plan, the Court will need time to draw its own map, and provide time for the Parties to weigh in on the sufficiency of the Court’s plan. One expert advises courts that are considering map-drawing themselves to budget “one month for the drawing of a plan and an additional month for hearings and potential modifications to it ... so that all concerned can proceed in a nonfrenzied fashion.” Nathaniel Persily, *When Judges Carve Democracies: A Primer on Court-Drawn Redistricting Plans*, 73 Geo. Wash. L. Rev. 1131, 1147–48 (2005).

Beginning a remedial process by the end of September 2025 would be in line with the needs of the remedial process as outlined above for redistricting cases, while ensuring sufficient input from the parties and stakeholder and a non-frenzied implementation process.

Respectfully submitted this 5th day of September 2025:

/s/ Kathryn Sadasivan

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CERTIFICATE OF SERVICE

I hereby certify that on September 5, 2025, I electronically filed the foregoing with the Clerk of Court for the United States District Court for the Northern District of Alabama using the CM/ECF system thereby serving all counsel of record.

September 5, 2025

/s/Kathryn Sadasivan
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